The opinion in support of the decision being entered today was $\underline{\text{not}}$ written for publication and is $\underline{\text{not}}$ binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAY 0 4 2006

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JEAN-MARC ASCIONE and MICHAEL DE GEORGE

Application No. 09/881,807

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 4, 2006. An in-depth review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner's Answer, mailed September 6, 2005, is non-complaint with the new rules set forth in the *Manual of Patent*Examining Procedure (MPEP) § 1207.02. The following content is missing from the Examiner's Answer in the order and with the context stated in the Rules:

Application No. 09/881,807

Section "(8) Evidence Relied Upon," fails to list the relevant references applied in the rejections on appeal.

Correction is required pertaining to the headings and content required in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- to submit a revised Examiner's Answer in accordance with the
 MPEP § 1207.02; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

DALE M. SHAW

Program and Resource Administrator

(571) 272-9797

CC: FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVE., N.W.
WASHINGTON, D.C. 20001-4413

DMS:hh

The opinion in support of the decision being entered today was $\underline{\text{not}}$ written for publication and is $\underline{\text{not}}$ binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS.
AND INTERFERENCES

Ex parte JEAN-MARC ASCIONE and MICHAEL DE GEORGE

Application No. 09/881,807

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 4, 2006. An in-depth review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Examiner's Answer, mailed September 6, 2005, is non-complaint with the new rules set forth in the *Manual of Patent*Examining Procedure (MPEP) § 1207.02. The following content is missing from the Examiner's Answer in the order and with the context stated in the Rules:

Section "(8) Evidence Relied Upon," fails to list the relevant references applied in the rejections on appeal.

Correction is required pertaining to the headings and content required in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- to submit a revised Examiner's Answer in accordance with the
 MPEP § 1207.02; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

DALE M. SHAW

Program and Resource Administrator

(571) 272-9797

cc: FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVE., N.W.
WASHINGTON, D.C. 20001-4413

DMS: hh